

REMARKS

It is respectfully requested that the Office Action of December 20, 2006 vacated be vacated and, if necessary, reissued. In the first instance, it is respectfully pointed out that the Office Action is inconsistent in that it sets a term of three months on the cover page and one month internally. Accordingly, the proper term for reply is not clear. Further, there is no apparent reason that extensions of time under Rule 136 should not be available.

The Examiner is also advised that this application has now been assigned to the owner of the patent involved in the potential interference, and the assignment document is in the process of being recorded. It is Office policy not to declare an interference between two cases owned by the same party absent special circumstances. It is not believed any such circumstances exist although that matter will be further considered as soon as the undersigned has had an opportunity to review the files relating to this case which go back many years.

Finally, Applicant respectfully traverses the assertion that an interference has been currently requested and is required to comply with new rules for suggesting an interference. In the last communication from the Applicant submitted to the PTO, Applicant declined to declare an interference. It is respectfully submitted that that communication withdrew any suggestion of an interference in earlier years.

This paper is being filed pursuant to 37 CFR 1.34.

Dated: January 22, 2007

Respectfully submitted,

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Reply to Office Action of December 20, 2006

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